

In re Patent Application of:  
**PALM ET AL.**  
Serial No. 09/117,219  
Filed: JULY 24, 1998

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**REMARKS**

The Examiner rejected claims 2-10 on three different grounds of obviousness type double patenting. The first rejection was based on co-pending application number 10/839,314. The second rejection was based on co-pending application 10/839,584. Finally, the third rejection was based on co-pending application 10/839,581. The Examiner made the double patenting rejection provisional because none of the patents have issued.

Applicants respectfully request reconsideration of the Examiner's rejection. Each of the three applications utilized in the double patenting rejection by the Examiner were filed as divisional applications of the above-identified application. They were filed in response to the Examiner's restriction requirement.

Accordingly, none of the co-pending applications are competent as references against this application. See 35 U.S.C. § 121 and MPEP 804.01.

Accordingly, the rejection based on double patenting in this application is improper and should be withdrawn.

Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Please charge any shortage in fees due in connection

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with the filing of this paper, including Extension of Time fees, to Deposit Account No. 01-0484 and please credit any excess fees to such deposit account.

Respectfully submitted,



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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP AMENDMENT, COMMISSIONER OF PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, on this 11 day of April, 2005.

